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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,668	04/16/2001	Harri Vatanen	2132-45PCON	8204
7590	10/20/2004		EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE Suite 1210 551 Fifth Avenue New York, NY 10176			SONG, HOSUK	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/835,668	VATANEN, HARRI
	Examiner Hosuk Song	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 April 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-12 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,3-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kennedy et al(US 6,084,968).

Claim 1: Kennedy discloses reading the safety marking into a mobile telephone in (fig.1 and col.6,lines 21-26). Kennedy disclose decoding,using the mobile telephone, the safety marking to obtain personal information of the owner which is contained in the safety marking in (col.6,lines 27-28).

Claim 3: Kennedy discloses personal information comprises personal data comprising a biometric sample of the owner of the safety marking in (col.5,lines 49-52).

Claims 4-6: Kennedy discloses biometric sample comprises DNA code in a predetermined form of the owner of the safety marking in (col.5,lines 49-52).

Claim 7: Kennedy discloses biometric sample is in binary form in (col.5,lines 39-58).

Claim 8: Kennedy disclose personal information is included in the safety marking thereby individualize the safety marking in (col.5,lines 54-58;col.6,lines 23-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2135

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al(US 6,084,968) in view of Saito(US 5,974,141)

Claim 9: Kennedy discloses forming a first string from personal data of an owner of the safety marking in (col.5,lines 49-52). Kennedy does not specifically disclose encrypting the formed first string using a public key of the owner to generate an encrypted string. Saito's patent discloses encrypting personal data with user's public key in (col.10,lines 59-62). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ public encryption system as taught in Saito with personal data encryption system disclosed in Kennedy because encryption key and decryption key are different it makes it difficult for hacker to deduce the decryption key from the encryption key thus enhancing security of its data. Kennedy disclose a marking device for storing the encrypted string in an electric form and decrypting the encrypted string using a decryption key provided in the identification device in (fig.1 and col.6,lines 22-36).

Claim 10: Kennedy disclose marking device comprises a storage device and a first interface for connecting the marking device to the reading device in (fig.2 and col.5,lines 49-58).

Claim 11: Kennedy disclose identification device comprise a safety module in (fig.4).

Claim 12: Kennedy discloses safety module comprises a second interface for establishing a connection to marking device in (fig.7).

Claim Objections

3. Claims 1,2,9 are objected to because of the following: Please change the word "electric" to electronic and "electrically" to electronically. Appropriate correction is required.

Allowable Subject Matter

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 703-305-0042. The examiner can normally be reached on Tue-Fri from 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

** Please note of following changes starting 10/25/2004**

- a) New telephone number for TC 2100 receptionist is 571-272-2100.
- b) New contact number for Examiner is 571-272-3857
- c) New contact number for Examiner's supervisor is 571-272-3859.

HS

H.Song
Art 2135